

ATTORNEY DOCKET NO.  
22601- P002US

PATENT  
U.S. Ser. No. 09/660,257

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Smith, et al.

Serial No.: 09/660,257

Filing Date: Sept. 12, 2000

Art Unit: 3643

Examiner: Gellner, Jeffrey L.

Title: METHOD AND MIXTURES FOR TREATING DISTRESSED TREES

**Certificate of First Class Mailing**

I hereby state that on reasonable information and belief I expect that this document will be deposited with the U.S. Postal Service as U.S. First Class Mail with sufficient postage, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231, on the date indicated below.

[Signature]  
Signature

Staylor Gm  
Printed Name

June 21, 2002  
Date

Assistant Commissioner for Patents  
Box Amendment  
Washington, D.C. 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97(b)**

Pursuant to the provisions of 37 CFR §§ 1.56, 1.97 and 1.98, and MPEP 609, Applicant submits herewith copies of the patents and other documents listed below and on the attached Form PTO-SB/08 "Information Disclosure Citation.

This Information Disclosure Statement is being filed within three (3) months of these references being cited in a communication from a foreign patent office in a corresponding foreign application. 37 C.F.R. 1.97(c); MPEP §609(c) and MPEP §601(e)(1).

**FOREIGN PATENTS**

Foreign Patent Document No.	Inventor	Publication Date
EP O 107 450 A	Unilever PCL	2 May 1984

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Foreign Patent Document No.	Inventor	Publication Date
WO 99 07654	Markus, Wiseman, and Wolf	18 February 1999
DE 2312051	Schafer	12-09-1974
DE 3600340	Diehl	09-07-1987
GB 2 152 492 A	Csany, et al.	07-08-1985

#### OTHER DOCUMENTS

Applicant	Title	Publication Date	Pages
x	<u>Journal of Horticultural Science and Biotechnology</u> , May 1998 Vol. 73, No. 3, pg. 353-359 by Percival G and Gerritsen J. entitled <i>The Influence of Plant Growth Regulators on Root and Shoot Growth of Containerized Trees Following Root Removal</i> publ. by Dep.Hortic. Univ. Stathclyde UK	May, 1998	pg. 353-359x

#### REMARKS

Consideration by the Examiner of each of the documents listed herein and on Form PTO-SB/08 is respectfully requested. Applicant respectfully requests that a copy of PTO-SB/08, as considered and initialed by the Examiner, be returned to the undersigned with the next Official Communication.

The filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made. 37 CFR §1.97(g). Furthermore, the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in this Statement is, or is considered to be, prior art, analogous art, or material to patentability of this application, but the information has been cited to make it clear beyond all doubt that Applicant's duty of disclosure has been complied with. 37 CFR §1.97(h).

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Applicant hereby submits that the claims of Applicant's above-referenced patent application are patentably distinguishable from these references.

The attached form, PTO SB/08, provides a listing of patents, publications, or other information as required by 37 C.F.R. § 1.98(a)(1).

A copy of each of the items identified on the attached Form PTO-SB/08 is supplied herewith.

It is believed that no fee is due; however, the Commissioner is hereby authorized to charge any fees which may be required by this paper, to Winstead Sechrest & Minick P.C. Deposit Account No. 23-2426.

Respectfully submitted,  
ATTORNEYS FOR APPLICANT

  
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22601-P002US 06/19/2002

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Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				Application Number	09/660,257
				Filing Date	09/12/2000
				First Named Inventor	Smith
				Art Unit	3643
				Examiner Name	Gellner, Jeffrey L.
Sheet	1	of	2	Attorney Docket Number	22601-P002US

U.S. PATENT DOCUMENTS					
Examiner Initials <sup>*</sup>	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
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FOREIGN PATENT DOCUMENTS						
Examiner Initials <sup>*</sup>	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		EPO 107 450A	02-05-1984	Unilever PCL	all	
		WO 99 07654	02-18-1999	Markus, et al	all	
		DE 231 2051	12-09-1974	Schafer	all	
		DE 360 0340	09-07-1987	Diehl	all	
		GB 2 152 492 A	07-08-1985	Csany, et al.	all	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449B/PTO <h2 style="margin: 10px 0;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="margin: 10px 0;"><i>(use as many sheets as necessary)</i></p>				<h3 style="text-align: center; margin: 0;">Complete if Known</h3> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>09/660,257</td> </tr> <tr> <td>Filing Date</td> <td>09/12/2000</td> </tr> <tr> <td>First Named Inventor</td> <td>Smith</td> </tr> <tr> <td>Group Art Unit</td> <td>3643</td> </tr> <tr> <td>Examiner Name</td> <td>Gellner, Jeffrey L.</td> </tr> <tr> <td>Attorney Docket Number</td> <td>22601-P002US</td> </tr> </table>		Application Number	09/660,257	Filing Date	09/12/2000	First Named Inventor	Smith	Group Art Unit	3643	Examiner Name	Gellner, Jeffrey L.	Attorney Docket Number	22601-P002US
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Sheet	2	of	2														

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